

MINUTES
SAN DIEGO COUNTY PLANNING COMMISSION
Regular Meeting – August 14, 2009
DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:04 a.m., recessed at 10:22 a.m., reconvened at 10:45 a.m., recessed at 11:32 a.m., reconvened at 11:35 a.m. and adjourned at 12:11 p.m.

A. ROLL CALL

Commissioners Present: Beck, Brooks, Day, Norby, Pallinger, Riess

Commissioners Absent: Woods

Advisors Present: Lantis (DPW); (Juarez) SANDAG; Taylor (OCC)

Staff Present: Baca, Beddow, Brown, Campbell, Farace, Gibson, Giffen, Lardy, Lubich, Murphy, Muto, Ramaiya, Real, Jones (recording secretary)

B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of July 17 and July 31, 2009

Action: Riess - Day

Approve the Minutes of July 17, 2009.

Ayes: 5 - Beck, Brooks, Day, Pallinger, Riess
Noes: 0 - None
Abstain: 1 - Norby
Absent: 1 - Woods

Action: Riess - Day

Approve the Minutes of July 31, 2009

Ayes: 6 - Beck, Brooks, Day, Norby, Pallinger, Riess
Noes: 0 - None
Abstain: 0 - None
Absent: 1 - Woods

Administrative:

- C. **Public Communication:** Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

None.

- D. **Announcement of Handout Materials Related to Today's Agenda Items**

- E. **Requests for Continuance**

- F. **Formation of Consent Calendar:** Items 2 (POD 08-018) and 6 (P01-005W¹)

- G. **Director's Report:**

- **San Diego Association of Governments (SANDAG) 2050 Regional Growth Forecast:** SANDAG is tasked with producing population and employment forecasts for San Diego County to 2050, when the region's population is expected to reach 4.4 million. Current General Plans show a shortage of housing units for meeting population needs. These forecasts will be used in regional planning documents, such as the 2050 Regional Transportation Plan. To ensure adequate input on the forecasts, SANDAG's board of directors directed their staff to present to and receive input from decision-making bodies from each jurisdiction. DPLU Staff has been closely coordinating with SANDAG on these forecasts.

SANDAG's staff discusses the goals and purpose of these forecasts, draft regional growth projections, estimated jobs and housing capacity and the anticipated housing capacity shortfall, details specific to the unincorporated areas San Diego County, and strategies for addressing capacity shortfalls in the later years of the forecast.

SANDAG's forecasts are the first step in the regional transportation planning process. They are also used for SANDAG's regional comprehensive planning, the smart-growth incentive funding program and other regional planning projects. The forecasts support local planning efforts, like General Plan updates, local Circulation Elements, traffic impact studies and other planning efforts. The forecasts are also used by other planning agencies, like San Diego County's Water Authority and their urban water management plan, and by public safety officials in public infrastructure planning.

Administrative:

This region's population will increase to nearly 4.5 million residents, with 1.9 million jobs and 1.5 housing units by 2050. Nearly 60% of projected growth will result from additional births from current residents and longer life expectancies. International migration is expected to be between 12,000-15,000 international migrations per year, but SANDAG does not expect any changes in domestic migration. The region's population will age get significantly between now and 2050: 50% of the growth is expected in those 60 and older as the baby-boomers age, and 10% of the growth is expected in populations 85 and older. The aging population will significantly change the region's transportation and housing needs.

SANDAG's regional growth projections are ultimately used to produce subregional forecasts. SANDAG comprehensively inventories population, jobs and housing while working closely with representatives from the various cities and counties. SANDAG then inventories the counties General Plans to determine where additional housing, jobs and population could be located in the future. SANDAG also gathers detailed transportation network and travel time information from one part of the counties to another. This information is used to determine where growth is most likely to occur in the future. From past forecasts, SANDAG has realized that residential housing capacity will be exhausted by 2025 or 2030. In today's forecast and, as a result of SB 375 (the Climate Change legislation), SANDAG has been tasked with finding ways to accommodate the region's projected growth.

SANDAG is working with each jurisdiction to determine where in the General Plans growth is possible or likely to occur between 2035 and 2050. SANDAG inventories the various General Plans and, in the County of San Diego's case, the Referral Alternative Draft Plan, while taking into consideration development constraints such as habitat, steep slopes, floodplains, historic structures and existing buildings that have less redevelopment potential. SANDAG also reviews infrastructure capacity for future growth, policies (such as parking requirements, setbacks and floor area ratio, etc.) that might result in less growth than maximum plan density, and other local considerations. That information is compiled into an inventory of potential capacity based on existing plans.

There are approximately 1.4 million jobs in existence today in the region. SANDAG's projections indicate that this figure will increase by approximately 500,000 jobs in the next 40 years, and through this

Administrative:

inventory, they've found planned capacity for nearly 1-million jobs in the region. It appears that there is sufficient capacity for job growth, but houses for those employees will be needed.

SANDAG's figures indicate that there are 1.1 million housing units in existence today, and an additional 450,000 units are needed by 2050 to support the expected job growth. However, General Plan capacities only identify 380,000 additional housing units, leaving a net deficit of approximately 70,000 or approximately 15% of the future projected growth. With respect to San Diego County, most of the housing capacity is in the urban core. As 2040 nears, housing capacity constraints in almost every Subregion are encountered. By 2050, every single housing unit is being used, and a 70,000 unit shortage remains. SANDAG is asking each city and county to provide guidance on what is most likely to occur within their jurisdiction through Plan updates or future redevelopment.

Through the Regional Planning Technical Group at SANDAG (comprised of representatives from each of the 18 cities in the County, as well as County representatives), SANDAG has developed mechanisms for use in determining how circumstances might change in the next 40 years. Those mechanisms range from (1) considering draft General Plan updates for those jurisdictions working on Plan updates; (2) looking at areas that might have the potential to build up to maximum or above-maximum Plan density; (3) identifying areas that have redevelopment potential; and (4) perhaps aligning Plans with the locally selected smart growth opportunity areas. SANDAG has identified areas that are targets for smart growth in each city (there are approximately 200 of these areas region-wide), and asked each jurisdiction to determine what would be best for accommodating the anticipated population's housing and employment needs. Additional affordable housing will be a necessity, and each jurisdiction is expected to weigh in on how the State's affordable housing targets are to be distributed. SANDAG will then determine what the local jurisdictions' responsibilities will be.

Following Commissioner Norby's and Commissioner Beck's comments regarding the significance of Senate Bill 375, SANDAG's representative states there will someday be a nexus between SB 375 and the General Plan update process that would make a connection between the two, as the Bill is currently written, nothing that goes into the forecast on the transportation plan supersedes local General Plans. SANDAG is in

Administrative:

compliance with SB 375 right now and will remain so, but all jurisdictions must be diligent in decreasing greenhouse gases through land-use development, transportation and other infrastructure investments. If greenhouse gas reduction targets cannot be met, other strategies must be investigated, such as different transportation demand management measures, or more smart growth, or different infrastructure options. Commissioners Norby and Beck discuss the significant loss of historic properties the County experienced in the 1980s, and note that cities and communities have become very sophisticated in their redevelopment efforts and protecting historic resources. Commissioner Norby cautions that those efforts must continue.

SANDAG's representative believes the County's Referral Alternative Plan contains almost all of the smart-growth areas in alignment with the smart-growth principles for their place type. With respect to development and water availability, the County Water Authority has focused on their ability to provide water within their existing service area boundaries. They consider SANDAG's forecast a land-use planning process, the Water Authority's responsibility is to ensure that adequate water is provided within their existing boundary. They have not proposed any changes in their service area boundaries. Management of water resources is on the minds of all local elected officials and the Water Authority, and their representatives are obligated to find water to supply development. Water Authority representatives also consider conservation part of their water portfolio and, in order to be able to provide water for future projects, they may require a larger share of conservation in water plans. Interestingly enough, SANDAG's forecasts indicate less usage of water resources by multi-family units than their single-family counterparts, so as the urban form changes over the next 40 years, there may actually be less demand than we experienced in suburban uses.

It is noted that freeway improvements have, for the most part, occurred north of the 54. The expected population increase demands additional transportation infrastructure in the South County. A new port of entry is planned and will be connected to the transportation corridor through SR 905. Additional bus routes are also planned, as well as other transportation infrastructure projects.

Administrative:

Action: Day - Brooks

Recommend that the Board of Supervisors direct Staff to continue working with SANDAG on this issue, and include the issues discussed with the Planning Commission, such as compliance with SB 375, affordable housing, water resources, raised by the Planning Commission as discussed above.

Ayes:	6 -	Beck, Brooks, Day, Norby, Pallinger, Riess
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Woods

P06-038, Agenda Item 1:

1. **Jamacha Hillside Water Tank Wireless Telecommunication Facility, Major Use Permit P06-038; Valle de Oro Community Plan Area** (continued from July 17, 2009)

Proposed Major Use Permit to authorize construction and operation of an unmanned wireless facility at the terminus of Wieghorst Way via a private driveway. The proposed facility includes 12 panel antennas that would be mounted to an existing water tank. Associated equipment would consist of 4 self-contained Base Transceiver Station (BTS) outdoor equipment cabinets, 1 electric meter panel, and 1 telephone interface. The outdoor equipment would be enclosed on three sides with a 9' tall dark tan, slump block wall. The project site is subject to the Regional Land Use Element Policy 1.1 Current Urban Development Area (CUDA) and General Plan Land Use Designation Specific Plan (21), and is located in the Valle de Oro Community Plan Area. Zoning for the site is S-90 (Holding Area).

Staff Presentation: Chan

Proponents: 1; **Opponents:** 3

Discussion:

It is requested that consideration of this Major Use Permit be postponed to continue discussions regarding accessibility to the project site.

Action: Riess - Day

Continue consideration of Major Use Permit P06-038 to the meeting of September 25, 2009.

Ayes:	6 -	Beck, Brooks, Day, Norby, Pallinger, Riess
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Woods

POD 08-018, Agenda Item 2:

2. Proposed Zoning Ordinance Amendments/Clean-Up, POD 08-018, Countywide

Amendments to the Zoning Ordinance which are intended to clarify or remove ambiguous language, correct typographical errors, codify existing policies, make miscellaneous minor revisions or clarifications to certain regulations, and amend certain procedures.

Staff Presentation: Steven

Proponents: 0; Opponents: 0

This Item is approved on consent.

Action: Brooks - Riess

Recommend that the Board of Supervisors:

1. Find that Sections 2 through 98 (excepting Sections 52, 53 [portion], 61 [portion], 63 and 64) of the proposed Ordinance are exempt from the California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15061(b)(3) for the reasons detailed in the Notice of Exemption dated July 22, 2009 on file with the Department of Planning and Land Use as POD 08-018;
2. Find that Sections 52, 53 (portion), and 61 (portion) of the proposed Ordinance are exempt from the California Environmental quality Act (CEQA) review pursuant to CEQA Guidelines Section 15303(e) for the reasons detailed in the Notice of Exemption dated July 22, 2009 on file with the Department of Planning and Land Use as POD 08-018;
3. Find that Sections 63 and 64 of the proposed Ordinance are exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15311 (c) for the reasons detailed in the Notice of Exemption dated July 22, 2009 on file with the Department of Planning and Land Use as POD 08-018; and
4. Adopt the Form of Ordinance amending the Zoning Ordinance to make miscellaneous minor revisions to the definitions, accessory use regulations, miscellaneous regulations and procedures, and make minor clarifications and corrections to various other regulations.

Ayes:	6 -	Beck, Brooks, Day, Norby, Pallinger, Riess
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Woods

POD 09-007, Agenda Item 3:

3. Proposed Zoning Ordinance Amendment, POD 09-007, Prohibition of Non-Medical Marijuana Dispensaries, Countywide

On June 23, 2009 (20), the Board of Supervisors directed the Chief Administrative Officer to amend the Zoning Ordinance to prohibit illegal medical marijuana dispensaries from operating within the unincorporated area of the County. At this time, the County Zoning Ordinance does not specifically address these businesses. The proposed Zoning Ordinance Amendment would prohibit the establishment and operation of non-medical marijuana dispensaries within the unincorporated County.

Staff Presentation: Farace

Proponents: 2; Opponents: 6

Discussion:

Following legislation authorizing limited use of marijuana for medical purposes, interest in establishing medical marijuana dispensaries increased throughout California. Marijuana dispensaries that do not meet the requirements set forth under this legislation are considered illegal. Facilities that dispense marijuana without authorization under state law have proven to have serious harmful effects wherever they are located. The County's Zoning Ordinance does not specifically address these illegal facilities, but Staff's proposal today will rectify this deficiency and prohibit the establishment and operation of non-medical marijuana dispensaries.

The proposed Ordinance was prepared at the direction of the Board of Supervisors in response to concerns that there would be a substantial increase in the establishment of non-medical marijuana dispensaries while Staff prepares regulations for the operation of medical marijuana dispensaries. The Board of Supervisors recently enacted a moratorium prohibiting all dispensaries, legal or otherwise; when that moratorium is lifted and Staff returns to the Board of Supervisors with a draft Ordinance, provisions for prohibiting non-medical marijuana dispensaries will be included in the regulations, as well as direction on how to regulate legal dispensaries.

POD 09-007, Agenda Item 3:

Audience members include those who are supportive of medical marijuana dispensaries and those who oppose them. Those who support dispensaries oppose the proposed Ordinance because they see it as another effort to circumvent State law. They explain that the Attorney General's guidelines indicate "collective distribution store-fronts" are legal. Proper zoning for such establishments is needed. Medical marijuana dispensary supporters recommend that the wording in the proposed Ordinance be changed and resubmitted to the Board of Supervisors with a request that County Counsel and the City Attorney work together to ensure conformance with the Attorney General's guidelines.

Those opposed to the Ordinance are opposed to the establishment of any type of marijuana dispensary, medical or non-medical. They believe the proposed Ordinance implies that non-medical marijuana dispensaries in existence today will be grandfathered in when the moratorium is lifted and new regulations are in place. They remind the Planning Commissioners that current State law and the Attorney General guidelines already preclude retail sales of marijuana in store-front dispensaries. Utilizing the term "non-medical" in the proposed Ordinance implies that medical dispensaries are not prohibited.

The Planning Commissioners support Staff efforts, but voice consternation about crafting an Ordinance to prohibit something that's already illegal. It is hoped that the Ordinance will allow discretionary decision makers like the Commission or the Board of Supervisors the ability to restrict as they see fit.

Action: Day - Norby

Recommend that the Board of Supervisors:

1. Find that the adoption of the proposed Ordinance is exempt from review under the California Environmental Quality Act (CEQA) Quality Act, pursuant to Section 15061(b)(3) of the State CEQA Guidelines; and
2. Adopt the Form of Ordinance amending the Zoning Ordinance to prohibit non-medical marijuana dispensaries within the unincorporated areas of San Diego County.

POD 09-007, Agenda Item 3:

Discussion of the Action:

Commissioner's Norby and Day question the impacts of the proposed Ordinance on dispensaries currently operating, and Staff acknowledges that they could be grandfathered in and allowed to continue operating. Counsel further explains that there is also the possibility that these establishments could be zoned out. What is important to remember is that Federal law will continue to prohibit them. Under State law, they're illegal unless they meet the standards set forth for medical dispensaries. Counsel acknowledges that local jurisdictions have the ability to adopt zoning regulations that can be applied to existing establishments/uses, but consideration must be given to the investment operators made they've made, and there is usually an amortization period.

Ayes:	6 -	Beck, Brooks, Day, Norby, Pallinger, Riess
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Woods

P85-079W⁵, Agenda Item 4:

4. Oak Creek RV Park, Major Use Permit P85-079W⁵, Lakeside Community Plan Area

Proposed Modification of Major Use Permit P85-079W⁴, to change the occupancy limitations for individuals occupying Recreational Vehicle (RV) spaces in the Oak Creek RV Park. The park is approved for a total of 204 RV spaces with a 90-day occupancy limitation. The applicant requests to change the current individual occupancy limit of 90 days so that 60% (122) of the individuals occupying spaces will have no occupancy limitation, and 40% of the individuals occupying spaces would have a maximum occupancy within the park of 240 days within a one-year period. California Health and Safety Code Section 18865.2 requires local jurisdictions who impose time limitations on the occupancy of spaces within a special occupancy park to grant an exemption to those limitations unless certain specific findings are made.

In addition to the occupancy limit changes, the applicant requests an extension of the Use in Reliance period of previously approved P85-079W⁴ in accordance with sections 7374 and 7376 of the Zoning Ordinance. This Modification request does not propose any grading, improvements or construction. The project is located at 15379 Oak Creek Road in the Lakeside Community Plan Area.

Staff Presentation: Brown

Proponents: 2; **Opponents:** 3

Discussion:

Staff was recently provided with information indicating that the State's Health and Safety Code mandates local jurisdictions to grant exemptions to any imposed occupancy limitations within a special occupancy park, such as an RV park, unless the jurisdiction makes a Finding that based upon but not limited to the following:

1. The lack of needed overnight or tourist spaces in the RV park that may be needed by the surrounding community;
2. There should be no impacts to local schools;

P85-079W⁵, Agenda Item 4:

3. There should be no impacts to an adopted coastal plan; and
4. The exemption will not cause a specific adverse impact that could not be mitigated or avoided.

In November 2007, the Board of Supervisors conditionally approved Major Use Permit Modification (P85-079W⁴), with the stipulation that the use be brought into compliance with the previously-approved Major Use Permit Modification (P85-079W³) within 90 days. This included the removal of any guests who had resided in the park longer than 90 days within the calendar year. To date, all previous zoning violations have been cleared except the violation of the occupancy limitations, and approval of today's Modification will resolve that. Staff believes the project complies with the existing zoning, the County's General Plan and CEQA. Staff believes the proposal also meets the required State Health and Safety Code Findings because no adverse impacts will result from granting an exemption to the County's occupancy limitations. Further, the State mandates that the County provide low-income housing options, and that mandate overrules local zoning for RV and Mobilehome parks. An official determination has not been made as of yet, but it is likely that the applicant's proposal will be counted as affordable housing units. In addition to recommending approval of the Modification, Staff recommends that the Planning Commission approve the Time Extension because the applicant has used most of the time resolving zoning violations. The Lakeside Planning Group voted to approve the Modification and the Time Extension with the caveat that occupancy be limited to nine months per calendar year. The applicant's request for a partial exemption was not supported by the Group.

A few of the Planning Commissioners recall their previous discussions during consideration of the existing Modification. At that time, allegations were raised by community residents that the population of RV park tenant children were detrimentally impacting the local schools. Staff assures the Planning Commission that school availability forms from the two local School Districts have been received, and the School Districts have indicated that they will only levy fees for the new spaces to be built as part of the previously-approved Modification.

The applicant provides a brief history of the project, currently comprised of 120 units on eight acres, and discusses the recent purchase of an additional eight acres of property north of the project site. During plans to rezone the new property, DPLU's General Plan Staff requested that the applicant withdraw his plans until a broader General Plan study could be completed. The applicant

P85-079W⁵, Agenda Item 4:

discussed the feasibility of allowing mixed residential zoning on the newly-purchased eight-acre site with DPLU Staff and the Lakeside Planning Group, but those discussions were not encouraging. Once the General Plan study was completed, the applicant resubmitted his Modification application proposing 84 units on eight acres of land. The proposed spaces are specifically designed for large motor-home "pull-throughs".

The applicant explains that the pads in the existing RV park are small. He further explains that there are two standards in State law that define RV parks: the units are 400 square feet or less in size, and occupancy lasting more than nine months allows the RV resident additional protections against eviction. The Modification was presented to the Planning Group, the Planning Commission and, ultimately, the Board of Supervisors. The applicant also had to obtain an extension of sewer service from LAFCO. The extension will serve only this property. The applicant will have to obtain another extension of sewer service from LAFCO to implement Phase 2 (today's proposed Modification). While attempting to comply with the requirements of the approved and existing Modification, the applicant discovered the State mandate and brought it to Staff's attention.

Several community residents remain opposed to the previously-approved Modification and today's proposal. They insist that this proposal will continue to negatively impact their community and further reduces spaces for tourists. They are opposed to granting the exemption, and maintain that the proposed project changes the rural character of the community, impacts residents' quality of life and will cause a decline in their property values. They are also concerned that the applicant remains in violation of the existing Use Permit Modification.

Commissioner Norby is somewhat supportive of the proposed Modification with the caveat that perhaps 1/3 of the units were allotted for long-term tenants, rather than the 60-40 split, and that the use remain an RV park. However, if the Modification is approved with the majority of the units designated as long-term, the applicant must complete whatever process necessary to convert the use into a Mobilehome park. Commissioner Norby believes the proposed Modification will definitely impact local schools if the use changes to 60% full-time occupancy and 40% nine-months occupancy, and believes the full-time units should pay the same fees that apply to all Mobilehome residents.

P85-079W⁵, Agenda Item 4:

Commissioner Day reminds those in attendance that he voted to approve the existing Modification and feels comfortable in supporting the new proposal, especially after being made aware of State requirements.

Motion: Day - Brooks

1. Grant Major Use Permit P85-079W⁵, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in manner consistent with the Zoning Ordinance, the Noise Ordinance and State Law;
2. Grant an extension of the Use in Reliance period of the previously approved RV Park expansion (P85-079W⁴) in accordance with Sections 7374 and 7376 of the Zoning Ordinance; and
3. Adopt the June 12, 2009 Addendum to the previously adopted Negative Declaration dated October 17, 1985.

Discussion of the Motion:

Commissioner Beck remains uncomfortable with approving the proposed Modification. He believes it should either be classified as a Mobilehome park or tenant stays should be limited. Perhaps not limited to 90 days per calendar year, but certainly something more than from generation to generation. Following examination of Commissioner Beck's point of view, the applicant agrees to meet with his partners to discuss the possibility of imposing long-term time restrictions on tenant stays. The applicant understands

Action: Day - Brooks

Postpone consideration of Major Use Permit Modification P85-079W⁵ to the meeting of October 23, 2009 to allow additional discussions regarding establishment of occupancy restrictions.

Ayes:	6 -	Beck, Brooks, Day, Norby, Pallinger, Riess
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Woods

TM 5488RPL³, Agenda Item 5:

5. California Investment Bankers, Tentative Map TM 5488RPL³, Lakeside Community Plan Area

Proposed Tentative Map to subdivide a 4.21-acre site into 14 individual residential lots ranging in size from 10,018 square feet to 15,300 square feet (net). The project is subject to the Current Urban Development Area (CUDA) General Plan Regional Category, the (5) Residential Land Use Designation, and is zoned (RS4), Single Family Residential. The project site is located on the northeast corner of Single Oak Drive and Rockcrest Road, in the Lakeside Community Plan Area. The minimum lot size is 10,000 square feet, and the maximum density is 4.35 dwelling units per acre. Sewer service would be provided by the Lakeside Sanitation District and water service be provided water by the Lakeside Water District.

Staff Presentation: Campbell

Proponents: 3; Opponents: 3

Discussion:

During Staff's presentation, the Commission is reminded that concerns were raised about existing drainage and stormwater runoff problems in the area, but onsite stormwater runoff will be channeled to offsite drainage facilities via vegetated swales, basins and other stormwater improvements. With implementation of these measures, pre- and post-development net drainage volumes remain the same.

The Lakeside Planning Group recommended approval, of the project contingent upon the approval of a Stormwater Management Plan that addresses all water flow issues and ensures that there is no increase of water flowing onto neighboring property. The Planning Group also recommended that the DPW consider requiring asphalt curb berms and stabilized decomposed granite pathways to be more in accordance with the neighborhood character. Those conditions have met.

Neighboring property owners remain opposed to the project for a number of reasons including construction noise and dust, road improvements, traffic impacts and impacts on community. Chief among their concerns are those centering privacy screening and fears that this project will exacerbate existing drainage problems.

TM 5488RPL³, Agenda Item 5:

The applicant informs the Planning Commission that though current zoning allows two-story structures in the area, the proposed project will actually be lower in elevation than existing residence. While addressing property owners' concerns about impacts on community character, the applicant reminds neighboring property owners that the proposed residences will be the same size as existing residences. With respect to noise, the applicant must comply with Noise Ordinance requirements. In addition, it has been determined that the proposal will not result in a significant increase in traffic.

DPW Staff acknowledges that the existing drainage issues need to be resolved and agrees it's not the applicant's responsibility to do so. It is agreed that those in DPW responsible for prioritizing improvements will be informed today of the need for immediate resolution of the drainage issues, particularly the culvert on Whitaker in this area of Lakeside. Commissioner Pallinger believes resolution is a matter of public health and safety. He advises Staff to keep the property owners informed of what is being done to resolve the problems, and to report back to the Planning Commission. Commissioners Beck Day the fees collected from the applicant for stormwater management can be utilized for this purpose. The Planning Commissioners also agree that privacy fencing or screening must be provided along certain portions of the project's boundaries.

Action: Pallinger - Day

Adopt the Resolution approving TM 5488RPL³, a subdivision of an existing 4.21-acre site into 14 individual residential lots. This Resolution includes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law; and

Adopt the Mitigated Negative Declaration on file with the Department of Planning and Land Use.

The Grading Plan shall require installation of a six-foot tall solid fence or wall along all property perimeters except along Single Oak Drive and Rock Crest Drive; and

The applicant is to provide one 48-inch box oak tree is to be planted in the area of Single Oak Court.

TM 5488RPL³, Agenda Item 5:

Though this is not part of the motion, the Planning Commission strongly recommends that any stormwater management fees collected from the applicant be utilized to assist in providing improvements to Whitaker Lane.

Discussion of the Action:

Commissioner Day also recommends that Staff return to the Commission with a status report on resolution of the drainage issues discussed today.

Ayes:	5 -	Beck, Day, Norby, Pallinger, Riess
Noes:	0 -	None
Abstain:	0 -	None
Absent:	2 -	Brooks, Woods

P01-005W¹, Agenda Item 6:**6. 4S Ranch Village, Major Use Permit P01-005W¹, San Dieguito Community Plan Area**

Proposed Major Use Permit Modification to authorize the conversion of a 41,000 square-foot office building into three separate commercial retail buildings totaling 25,434 square feet (13,969 square feet, 6,600 square feet, and 4,865 square feet) within an existing Planned Commercial Development that was previously approved under Major Use Permit P01-005. The applicant also proposes reducing the required number of parking spaces from 182 to 132, which is a result of the change of use from office to retail. The subject property is located on the southeast corner of El Camino Norte and Dove Canyon Road within the 4S Ranch Specific Plan Area. The site is located in the San Dieguito Community Plan Area. The project site is subject to the Current Urban Development Area (CUDA) General Plan Regional Category, the (21) Specific Plan Area Land Use Designation, and is zoned C36 (General Commercial).

Staff Presentation: Lubich

Proponents: 2; **Opponents:** 0

This Item is approved on consent.

Action: Brooks - Riess

Grant the Form of Decision approving Major Use Permit Modification P01-005W¹, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in manner consistent with the Zoning Ordinance, the Noise Ordinance and State Law.

Ayes:	6 -	Beck, Brooks, Day, Norby, Pallinger, Riess
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Woods

P01-005W¹, Agenda Item 6:

H. Report on actions of Planning Commission's Subcommittees:

None.

I. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):

None.

J. Discussion of correspondence received by the Planning Commission:

None.

K. Scheduled Meetings:

August 28, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 11, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 25, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 9, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 23, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 13, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 4, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 18, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room

There being no further business to be considered at this time, the Chairman adjourned the meeting at 12:11 p.m. to 9:00 a.m. on August 28, 2009 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.